

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KOMLA GANU, BENJAMIN PATTERSON,
CLIVE NEIL, GREGORY JOSE, and ROSALIA
LAPENA,

Plaintiffs,

- against -

METROPOLITAN COLLEGE OF NEW YORK,
STEPHEN GREENWALD, PAUL LERMAN, ROBERT
GILMORE, RALPH LEAL, and SUSAN LATHAM,

Defendants.

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: **07 Civ. 9899 (VM)**
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: **RULE 26 DISCLOSURES**
: **SUBMITTED ON BEHALF OF**
: **DEFENDANTS:**
: **METROPOLITAN COLLEGE OF**
: **NEW YORK; STEPHEN**
: **GREENWALD; PAUL LERMAN,**
: **ROBERT GILMORE; RALPH**
: **LEAL; AND SUSAN LATHAM**
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Defendants, METROPOLITAN COLLEGE OF NEW YORK ("MCNY"), STEPHEN GREENWALD, PAUL LERMAN, ROBERT GILMORE, RALPH LEAL and SUSAN LATHAM (collectively, "Defendants"), by and through their attorneys, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP, hereby provide the following initial discovery disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure:

I. FED. R. CIV. P. 26(A)(1)(A): WITNESSES

[T]he name and, if known, the address and telephone number of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

DEFENDANTS' DISCLOSURE: Upon information and belief, the following individuals and/or parties to the instant action are likely to have discoverable information, including, but not limited to, information regarding, *inter alia*, legitimate, non-discriminatory reasons for the termination of plaintiffs' employment and/or non-renewal of contracts. Defendants reserve the right to supplement this response up to and including the time of trial:

NAME	ADDRESS	TELEPHONE NUMBER
Stephen R. Greenwald	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Paul Lerman	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Robert Gilmore	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Ralph Leal	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Susan Latham	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Ruth Lugo, Dean, MCNY Audrey Cohen School Human Services & Education("ACS")	c/o Metropolitan College of New York 431 Canal Street New York, NY 10013	212.343.1234
Clyde Griffin, ACS Department Chair	c/o Metropolitan College of New York 431 Canal Street New York, NY 10013	212.343.1234
Steven Cresap, ACS Department Chair	c/o Metropolitan College of New York 431 Canal Street New York, NY 10013	212.343.1234
Anne Lopes, Former ACS Professor, Member of MCNY Strategic Planning and Faculty Assessment & Compensation Committees	283 Richmond Avenue South Orange, NJ 07079	973.763.3013
Judith Santiago, MCNY, HR Director	c/o Metropolitan College of New York 431 Canal Street New York, NY 10013	212.343.1234

II. FED. R. CIV. P. 26(A)(1)(B): DOCUMENTS

[A] copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

DEFENDANTS' DISCLOSURE: The categories and locations of all documents, data compilations and tangible things in defendants' possession, custody or control that are relevant to the disputed facts alleged with particularity in plaintiffs' Complaint are as follows. Defendants reserve the right to supplement this response up to and including the time of trial:

CATEGORY	LOCATION
The entirety of the litigation files and documents maintained by Defendants, regarding and relevant to the allegations of the plaintiffs named herein.	Copies of the litigation file and documents are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Copies, along with certain original documents, may also be located at MCNY's main campus, located in New York, New York.
Employment Agreements, MCNY Faculty Handbook, Faculty Development Plans and/or Portfolios, as well as Correspondence, Student Evaluations and other documents relevant to plaintiff's faculty performance.	Copies of documents relevant to plaintiffs' Employment, Performance and Termination are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Copies, along with certain original documents, may also be located at MCNY's main campus, located in New York, New York.
Notes/Memoranda	Copies of Notes/Memoranda are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Certain notes/memoranda may be privileged. Such documents will be set forth in a privilege log.
Other data, compilations, and tangible things	Certain other data compilations and tangible things are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Copies, along with certain original data compilations and tangible things, may also be located at MCNY's main campus, located in New York, New York. Certain data compilations and tangible things may be privileged. Such data compilations and tangible things will be set forth in a privilege log.

III. FED. R. CIV. P. 26(A)(1)(C): DAMAGES

[A] computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

DEFENDANTS' DISCLOSURE: Not applicable at this time, although defendants reserve the right to supplement this response up to and including the time of trial.

IV. FED. R. CIV. P. 26(A)(1)(D): INSURANCE INFORMATION

[F]or inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment, which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

DEFENDANTS' DISCLOSURE: At all times relevant to this action, defendants were insured under a School Leaders Errors and Omissions Policy, No. 494-60-23, issued by National Union Fire Insurance Company of Pittsburgh, PA., effective between October 31, 2005 to October 31, 2006, with an aggregate liability limit of \$5,000,000.00.

V. FED. R. CIV. P. 26(A)(2): EXPERT TESTIMONY

In addition to the disclosures required by paragraph (1), a party shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence.

DEFENDANTS' DISCLOSURE: Defendants have not yet retained any experts at this time. However, defendants reserve the right to supplement this response up to and including the time of trial.

Dated: New York, New York
May 1, 2008

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

David S. Sheffer (DS 4198)

A Member of the Firm

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CERTIFICATE OF SERVICE

I, Susan K. Slim, hereby certify that on the 1st day of May, 2008, I caused true and accurate copies of the foregoing Defendants' Rule 26 Disclosures, May 1, 2008, to be served via overnight delivery and filed electronically via PACER, upon each of the persons listed below.

I further certify, under penalty of perjury, that the foregoing is true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Susan K. Slim (SS 3785)

Dated: May 1, 2008

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